



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

October 8, 2020

BY ECF

The Honorable Richard J. Sullivan
United States Circuit Judge
40 Foley Square
New York, New York 10007

Re: United States v. Jawad Amir Musa, 90 Cr. 863-8 (RJS)

Dear Judge Sullivan:

The Government writes in response to defendant Jawad Amir Musa's supplemental authority letter dated September 25, 2020, citing *United States v. Brooker (Zullo)*, No. 19-3218-CR, 2020 WL 5739712 (2d Cir. Sept. 25, 2020), in support of Musa's motion for compassionate release. (ECF Doc No. 369). In *Zullo*, the Second Circuit held that "the First Step Act freed district courts to consider the full slate of extraordinary and compelling reasons that an imprisoned person might bring before them in motions for compassionate release." 2020 WL 5739712, at *7. The Government acknowledges that this holding rejects the argument made in Point I of the Government's brief (ECF Doc. No. 311) that the Bureau of Prisons ("BOP") retains sole authority to determine whether a reason is "extraordinary and compelling" under the catchall provision of the Sentencing Guidelines, U.S.S.G. § 1B1.13 app. note. 1(D). The Government respectfully maintains, however, that the Court should exercise the very discretion recognized in *Zullo* to deny Musa's motion for the reasons set forth in Points II and III of the Government's brief — namely, because the reasons that Musa has proffered are not "extraordinary and compelling," and because Musa's forgery of a letter by senior BOP official is a fraud on the Court.

Respectfully submitted,

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cc: John Gleeson, Esq. (via ECF)